IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2518 OF 2005

Machhindra Mahadu Thakur ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.Indrajeet Joshi for the Applicant
Mr.A.S.Gadkari,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JUNE 13,2005.

P.C.:

1. This Application for bail is filed by the accused No.11 against whom the C.R.No.I-1005/2004 has been registered for the offences punishable under Sections 147,148,149, 302, 326 and 452 of the Indian Penal Code. The main ground on which the bail is prayed for is that the Applicant is suffering from 40% disability as a result of Polio. A reliance is placed on a certificate dated 22nd July 2003 issued by the Civil Surgeon in which it is stated that the Applicant is suffering from physical disability in his right hand due to Polio.

2. The learned Counsel appearing for the Applicant states that the Applicant is in custody for last 10 months and on the ground of disability he deserves to be enlarged on bail.

3. The learned A.P.P. has placed reliance on order dated 2nd May 2005 passed in Criminal Application No. 2731 Of 2005 by this Court by which the Application for bail filed by some of the accused has been rejected. He has invited my attention to the statements of four witness and the role allegedly played by the Applicant. He pointed out that the witnesses have

stated that the Applicant was having a sword and by using the sword he has assaulted at least two persons on the head. He submitted that no case is made out for grant of bail.

4. The learned Counsel appearing for the Applicant stated that though three accused have been released on bail, the Applicant is not relying upon the same for claiming parity.

5. Considering the material on record and considering the serious nature of the crime I am not inclined to accept the submissions of the learned Counsel for the Applicant. The material on record shows complicity of the Applicant. Considering the material on record there is no reason to depart from the view taken by this Court in the order dated 2nd May 2005 passed in Criminal Application No.2731 of 2005.

6. It is pertinent to note that this Court has directed the Trial Court to dispose of the case early by treating the case as High Court expedited case.

7. Hence, Application is rejected. The learned Trial Judge is expected to abide by the directions given by this Court in order dated 2nd May 2005 in Criminal Application No.2731 of 2005 by deciding the trial early by treating it as High Court Expedited case.

8. Application is disposed of in above terms.

. Parties to act upon an authenticated copy of this order.

JUDGE